

November 2, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Subscriber Acknowledgement Report
WQN, Inc.; WC Docket No. 05-196**

Dear Ms. Dortch:

WQN, Inc. ("WQN"), through its undersigned counsel and in response to the Public Notices issued by the Enforcement Bureau ("Bureau") on July 26, 2005, August 26, 2005, September 27, 2005 and October 31, 2005 ("Public Notices"),¹ submits this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of WQN's efforts to comply with Commission Rule 9.5(e). WQN previously filed a Subscriber Acknowledgement Report on August 10, 2005 in response to the Bureau's July 26, 2005 Public Notice ("August 10 Report"). WQN did not file subsequent reports in response to the August 26 Public Notice, but respectfully requests that the Commission accept this late-filed report, which incorporates all the information requested in the August 26 and subsequent notices.

As requested in the Public Notices, WQN responds to the following questions:

- 1) A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

¹ See Public Notice, DA 05-2085 (rel. July 26, 2005); Public Notice, DA 05-2358 (rel. August 26, 2005); Public Notice, DA 05-2530 (rel. September 27, 2005); Public Notice, DA 05-2874 (rel. October 31, 2005).

As previously described in WQN's August 10 Report, WQN sent email advisories to all of its subscribers on August 9, 2005 and sent warning labels to all of its subscribers on August 11, 2005. The process was completed August 17th.

2) A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements.

As of October 31, 2005, WQN has obtained affirmative acknowledgement from approximately 95% of its subscriber base.

3) An explanation as to why the Company has been unable to achieve an acknowledgment percentage closer to 100%.

WQN believes that the 5% of its customer base that have not provided affirmative acknowledgement by October 31, 2005 are likely not using the service but have failed to cancel their service. WQN believes that the majority of its customers with outstanding acknowledgments are those customers with demonstration or complimentary accounts.

4) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

As previously described in WQN's August 10 Report, WQN is continuing to contact all of its subscribers in an effort to obtain affirmative acknowledgment. WQN has continued to send notices via email and U.S. postal mail. In addition, WQN customer support personnel have been calling subscribers who have not yet submitted an affirmative acknowledgment. WQN sent these customers e-Mails on August 9, 16, 21, and 25. additionally, WQN mailed letters to these customers via the United States Postal Service on August 11th – August 17th. WQN then placed telephone calls between August 25–29 to all subscribers that had yet to return the requested acknowledgment. Further WQN, between August 29 and September 2, placed calls were to subscribers where WQN's e-mailed acknowledgement forms were returned undeliverable. Additional calls were placed between October 17 – 21 seeking acknowledgment from subscribers that had yet to return the acknowledgement.

Starting on August 9, 2005, any customer logging into the web interface who had not provided an affirmative response received a popup message stating that they must contact customer service. The customer cannot bypass the screen if they have not submitted their affirmative acknowledgement and must acknowledge that they have read and understand our 911 disclosure before gaining access to the account. Additionally, a customer attempting such a login cannot "recharge" or otherwise maintain their account until providing WQN with the required affirmative acknowledgment.

When WQN places these calls seeking affirmative acknowledgment from its subscribers, the calls are made both to the phone number entered as the contact number on the original order form and to the telephone number WQN issued to the subscriber. If voice mail is received on the

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VoIP number, a message is left in the customer's voice mail box and a voice mail to e-mail message is sent as well.

For those customers that do not provide affirmative acknowledgement, WQN has and plans to disconnect subscribers from their service until affirmative acknowledgement is provided.

5) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement.

WQN believes that the 5% of its customer base which has still not provided affirmative acknowledgement are simply not using the service. Accordingly, WQN does not believe there is any benefit to be gained by implementing a "soft" or "warm" disconnect procedure in its particular circumstances. Therefore, while WQN will continue to make every effort to contact these customers, it expects that it will have to close these accounts.

Respectfully submitted,

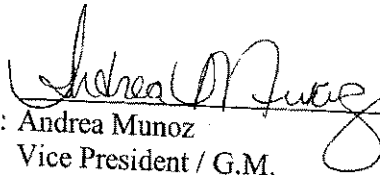
/s/

Russell M. Blau
Joshua M. Bobeck

Counsel for WQN, Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.

I, Andrea Munoz, state that I am Vice President / G.M., of WQN; that I am authorized to submit the forgoing *Subscriber Acknowledgement Report* ("Report") on behalf of WQN that the Report was prepared under my direction and supervision; and I declare under penalty of perjury that the Report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, appearing to read "Andrea Munoz", is written over a horizontal line.

Name: Andrea Munoz
Title: Vice President / G.M.
WQN